

### **REMARKS**

This Request for Reconsideration is in response to the Final Office Action of March 1, 2010 in which claims 1-26 were rejected.

#### **Claim Rejections- 35 U.S.C. 102**

At section 4 of the Office Action, claims 1-6, 8, 11-17, 23-24 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Irvin.

With respect to claim 1, it is asserted that Irvin discloses each feature of the claim, with reference made to Figures 1 and 2, and column 2, lines 63-67, column 3, lines 1-3, and column 4, lines 50-63. Applicant respectfully disagrees.

Irvin is directed to a telephone having call-screening capabilities (Irvin, Abstract). In reference to Figure 2, Irvin states:

If call-screening is enabled, the telephone 100 captures the caller ID number of the calling party (block 210) and compares the caller ID number to the numbers in the "accept list" (block 215) and the "divert list" (block 225). If the number is on the "accept list", the call is accepted and the user is notified by ringing the phone 100 (block 220). If the number is on the "divert list", the call is diverted to either a voice mail box, answering machine, or other recording device (block 230). If desired, the user can be notified of diverted calls by ringing the phone to give the user the opportunity to answer the call. Calls from any number not appearing on the "accept list" or the "divert list" will be blocked (block 235). (Irvin, column 4, lines 51-63).

Applicant respectfully submits that this disclosure is distinguishable from the method of claim 1. In the invention of claim 1, if the data transmitting device is identified as the transmitting device from which there is defined a call divert command to the receiving mobile station, then the data is received. However, in Irvin, the opposite occurs, as if the transmitting device appears on the divert list, then the call is not received by the receiving station, but further transmitted. Therefore, Irvin and the invention of claim 1 do not treat transmitting devices from which there is a "call divert command" in the same manner.

Furthermore, even if the numbers in the "accept list" of Irvin are considered to be transmitting devices from which there is defined a call divert command, as interpreted by the Office, then there is still a clear distinction in how devices other data transmitting devices are treated. In the invention of claim 1, if the data transmitting device is identified as other than the transmitting device from which there is defined a call divert command to the receiving mobile

station, then the data is transmitted to a predetermined receiving device. Thus, data from a data transmitting device is either received by the receiving mobile station or transmitted to a predetermined device, depending on whether or not there is a call divert command. In Irvin, calls from numbers not on the “accept list” are not always transmitted to a predetermined receiving device. Rather, the user can add numbers to a “divert list,” and calls from that number will be transmitted to another device, or if the user does not add the number to the “divert list,” then the call is blocked. Therefore, calls from numbers not on the “accept list” are not transmitted further to a device, but are blocked from being received, unless the user makes a specific exception for the call to be forwarded. Thus, Irvin fails to disclose the feature of claim 1 of “in case the data transmitting device is identified as other than the transmitting device from which there is a call divert command to the receiving mobile station transmitting the data to a predetermined receiving device.”

Therefore, because Irvin fails to disclose every feature of claim 1, it is respectfully submitted that it does not anticipate claim 1, and claim 1 is in allowable form.

Because independent claims 4, 12, and 23 recite features similar to claim 1 and are also rejected as anticipated by Irvin for reasons similar to those presented with respect to claim 1, it is respectfully submitted that independent claims 4, 12, 18 and 23 are also not anticipated by Irvin and are in allowable form.

At least in view of their dependency on independent claims 1, 4, 12 and 23, it is respectfully submitted that dependent claims 2-3, 5-7, 9-11, 13-17, and 24-26 are also in allowable form.

### **Claim Rejections- 35 U.S.C. 103**

At section 7 of the Office Action claims 9-10, 18-22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irvin in view of Grimes (U.S. Patent 5,553,128).

With respect to claim 18, it is asserted that Irvin discloses the method as claimed, except that it fails to disclose “a mobile switching center comprising a processor.” However, it is asserted that this feature is disclosed by Grimes, and therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Irvin to incorporate the teaching of Grimes. Applicant respectfully disagrees.

Because the Office relies on Irvin in a manner similar to its application to claim 1, described above, it is respectfully submitted that Irvin does not teach the asserted features of claim 18 for the same reasons provided with respect to claim 1. Therefore, it is respectfully submitted that claim 18 is not obvious in view of Irvin and Grimes, and is therefore in allowable form.

At least in view of their dependency on independent claim 18 it is respectfully submitted that dependent claims 19-22 are also in allowable form.

The objections and rejections of the Final Office Action of March 1, 2010, having been shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-26 to issue is solicited.

Respectfully submitted,

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